

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 56th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON STATE/FEDERAL RELATIONS**

**Call to Order:** By **CHAIRMAN AUBYN A. CURTISS**, and Vice Chairman Rep. Jay Stovall on January 21, 1999 at 3:00 P.M., in Room 420 Capitol.

#### **ROLL CALL**

##### **Members Present:**

Rep. Aubyn A. Curtiss, Chairman (R)  
Rep. Carol C. Juneau, Vice Chairman (D)  
Rep. Jay Stovall, Vice Chairman (R)  
Rep. Matt Brainard (R)  
Rep. Kim Gillan (D)  
Rep. Gary Matthews (D)  
Rep. Dan McGee (R)  
Rep. Karl Ohs (R)  
Rep. Loren Soft (R)  
Rep. Carol Williams (D)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Gordon Higgins, Legislative Branch  
Deb Thompson, Committee Secretary

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

##### **Committee Business Summary:**

Hearing(s) & Date(s) Posted: HJR 7, HJR 8, 1/14/1999  
Executive Action: None

#### **HEARING ON HOUSE JOINT RESOLUTION 7**

**Sponsor:** Rep. Aubyn Curtiss, HD 81, presented the resolution. She explained the resolution would amend the Land Sovereignty Act. **EXHIBIT(sfh16a01)**, **EXHIBIT(sfh16a02)**, **EXHIBIT(sfh16a03)**, **EXHIBIT(sfh16a04)**, **EXHIBIT(sfh16a05)** She said the resolution

would send a message of support. Only Congress can offer international designation that would affect land and national resources.

**Proponents:** Rep. Matt Brainard, HD 62, spoke in support of the resolution. He said the proposal is necessary. He quoted the Constitution regarding popular sovereignty. He discussed the 51st ranking in the economy of the state. He pointed out the oldest economic manipulation in the world was land management; what you farm, log or harvest from the land is your economy. Added with industrialization and creative thinking, our economy is based on what we have. Unless we as a free people can rule our land, manage our land in our own interest, we are not a sovereign people.

Mike Collins, representing the Montana Mining Association and the Independent Montana Miners, testified in support of the resolution. He described the growing designation of World Heritage Sites as an alarming infringement on rights and on the economy. This is another way to stop development. He spoke about the closure of the New World Mine near Cooke City as a visible impact of the World Heritage ideals, at the cost of 8 million dollars and loss of 40 million in tax revenues, not to mention wasted time in the permitting process. He showed copies of signs designating the sites. **EXHIBIT (sfh16a06)**

Joe Beardsley, representing himself, spoke in support of the resolution. He said the bill focuses on the American fight about sovereignty and who runs U.S. affairs, the federal government or the United Nations. The problem is the U.N. is involved where it doesn't belong and they are using the U.S. government treaties to erode sovereignty as well as that of the state. He referred to the World Heritage Convention document that he pulled off the Internet. He described how the group ruined the mine project and have misleading information that blatantly claimed to have saved Yellowstone Park. He quoted from their document "as it turns out, however, most people are sensitive to international scrutiny and not entirely at ease with the idea that their conduct might identify them as cultural or environmental slobs". He said he was in favor of the EIS from that mine being finished and did not like the U.N. agency calling names. **{Tape : 1; Side : A; Approx. Time Counter : 11.9 - 17.2}**

Leta Beardsley testified in support of the resolution. She passed around two maps that were made according to the plan laid out by the U.N. Convention on the Biological Diversity, .. Biosphere Program, the U.N. and U.S. Heritage Corridor Program and the Wildlands Project. The program designates 50% of the land mass of the United States and 80% of Montana. Every river

is off limits to the people, according to their plan. She asked if anyone wondered how this was going to happen and how the land would be taken from the public. She explained that land trusts are on the fast track. The plan is for 1 1/2 billion acres for land trusts to be created this year and the plan continues every year. She noted President Clinton recently proposed one billion acres for open space and the plan is to get people to move off the land by regulating them. Now it is time for the state to do something about that. **{Tape : 1; Side : A; Approx. Time Counter : 17.2 - 20.1}**

**Opponents:** None

**Questions from Committee Members and Responses:** Rep. Soft asked what the process agencies do to designate areas. Rep. Curtiss described the various environmental groups. The Antiquities Act was passed in 1920's. There have been various treaties since then but only the World Heritage Treaty was ratified in 1972. She discussed lands that were designated to be locked up such as Yellowstone Park and Glacier Park. She pointed out the group believes a large buffer zone is needed to protect the parks which includes up to 18 million acres. UNESCO and Mr. Bobbitt settled for a 12 million acre buffer zone, though this has not been fully resolved. There are certain regulations placed on those areas.

Rep. Soft asked about the impact to private land. Rep. Curtiss replied about one half of the lands designated are private. She noted there was no consultation with the people of Montana.

Rep. Juneau asked about any tribal land near Glacier Park. Rep. Curtiss described the plans for a Biosphere Reserve in addition to a World Heritage Site that has been proposed. The proposal has stated that the plan will continue quietly so as to not attract attention. **{Tape : 1; Side : A; Approx. Time Counter : 29.6 - 32.2}**

Rep. Matthews asked what land use regulations were proposed. Rep. Curtiss replied it was whatever the administrative agencies chose to make it. **{Tape : 1; Side : A; Approx. Time Counter : 33.5}**

Rep. Curtiss described the Columbia River Basin project proposal. The entire thrust of that is getting away from multiple use management of public lands and going to resource restoration. The assumption is the BLM, Department of the Interior, Department of Agriculture, Forest Service are going to be administering those policies. A lot of those are being implemented, even though the Biodiversity Treaty was never signed by Congress.

Rep. Stovall asked what authority can designated the World Heritage Sites. Rep. Curtiss replied the process was not made public, although there was all kinds of information on the Internet about the various treaties. **{Tape : 1; Side : A; Approx. Time Counter : 34.6}**

**Closing by Sponsor:** Rep. Curtiss closed. She said this was the single most important land management issue before Congress. She pointed out the need to reduce the opportunity for foreign governments and foreign companies to dictate and adversely impact the policies and the economy of the United States. It is crucial that the Congress and only the Congress be allowed to offer any area of land or water of the United States and it's territories as part of an international designation which could remain and affect the use of the management of the area and the citizens in the area.

Rep. Curtiss explained World Heritage Sites and Biosphere Reserves have been used in the past and are now being used by environmental groups to harass and stop projects. This occurred at the New World Mine. Yellowstone has been designated as both a World Heritage Site and Biosphere Reserve. The mine was on private property about three miles outside the park and on a watershed that drained away from the park. The Department of the Interior invited the United Nations World Heritage Committee to visit the park with a predetermined goal of getting the committee to oppose the mine and thereby add international pressure to block development of the mine. After the visit, without any scientific basis for evaluation of the facts, the committee predicably came out against the New World Mine. She referred to Glacier Park which is continually in the news and is destined for a new management strategy. Congress should be involved in the mapping of that strategy and we can urge them to do that by passing this Resolution. **{Tape : 1; Side : A; Approx. Time Counter : 36.7 - 38.4}**

#### **HEARING ON HOUSE JOINT RESOLUTION 8**

**Sponsor:** Rep. Aubyn Curtiss presented the resolution. She distributed handouts. **EXHIBIT(sfh16a07)** Rep. Curtiss pointed out the stated objectives sounded benevolent, "to enhance our citizens enjoyment of the historic, cultural, recreational, economic value of our rivers and to protect the health of our communities by delivering federal resources more effectively and efficiently." Concerns arise over creation of yet another layer of bureaucracy to interact with agencies already in gridlock. There is a 60-80% overlap with regulations and responsibilities with various agencies.

**Proponents:** Don Allen, Western Environmental Trade Association, spoke about concerns and where this would lead when the Executive Order was given and all this put in motion. There should be enjoyment and protection of rivers. However, there is a concern with federal initiatives. He asked what role the 13 agencies play that would have to interact with the American Heritage Initiative. He said the problem with this was those agencies were impacted by management decisions in Montana communities in a negative way. There is a certain fear when people hear, "we are from the federal government; we are here to help you." Landowners are concerned about private property rights. **{Tape : 1; Side : A; Approx. Time Counter : 41.8 - 47}**

Gail Abercrombie, Executive Director of the Montana Petroleum Association, spoke about concerns because of the impact to major industrial facilities located in that corridor. There are federal agencies involved with agendas over which the public has no control. She pointed out having an American River Heritage designation would align interests outside of Montana who may be in favor of removing dams or other issues that are not in the best interest of the economies of Montana. **{Tape : 1; Side : A; Approx. Time Counter : 47}**

John Mundinger, representing Montana Stockgrowers and Montana Grazing Districts, Montana Home Appliance Council, and John Youngberg with the Montana Farm Bureau Federation, were supporting the resolution. He pointed out concerns of stockgrowers regarding any river initiative. There is little consideration of existing uses and agriculture with these initiatives, who are disenfranchised at the local level. **{Tape : 1; Side : A; Approx. Time Counter : 50 - 52.3}**

Joe Beardsley, a citizen, spoke about constitutional concerns. He referred to Article 1, Section 8, the 10th Amendment. He said there was no question that the federal government was beyond the bounds in that document. The federal executive branch is attempting to put in place the biodiversity treaty through the use of Executive Orders as an unsigned treaty. It is a treaty that uses the Wildlands Project as a guide. It attempts to establish a system of core areas, buffer zones and corridors for the protection of habitat. The Heritage Rivers Initiative is an attempt by the Executive branch to slide in the biodiversity plan unsigned. **{Tape : 1; Side : A; Approx. Time Counter : 52.3 - 55}**

Mike Collins, representing the Montana Mining Association and the Montana Independent Miners, spoke in support of the resolution. He stated it appeared the purpose of the implementation of the American Heritage Rivers Initiative was to revitalize, protect and preserve, however, the process is not clear. The AHRI is a

voluntary initiative and they say it will create no new requirements for property owners or local government. This statement is false. Any time the federal government gets involved in a process there are new requirements created and costs to local people or state government. The initiative is being proposed by the Vice President's "reinventing government" program. How would this reinvent government with no new money, no new employees, rules, regulations or law and will utilize federal resources already in place. The resources provided by those agencies are "stolen" from appropriated funds for legal projects. (See Exhibit 6) He asked that the list of agencies be read into the record. Those are: The Secretary of the Defense, Attorney General, Secretary of the Interior-and subagencies, Secretary of Agriculture-and subagencies, Secretary of Commerce, Secretary of Housing and Urban Development, Secretary of Transportation, Secretary of Energy, the Administrator of the Environmental Protection Agency, the Chair of the Advisory Council on Historic Preservation, the Chairperson of the National Endowment of the Arts, the Chairperson of the National Endowment of the Humanities and the Chairperson on the Council on Environmental Quality.

Collins pointed out these were the departments and their subagencies that local people would be working with. He asked how 13 agencies and subagencies could possibly agree on one plan. He said there were two statements that he wanted to report (See Exhibit 6). One was from Kathleen McGinty, Chair of the Council of Environmental Quality made in 1997, said "The American Heritage Rivers Initiative has been designed by communities to the greatest extent possible." This would lead one to think the communities had some involvement in the process. The statement made just prior to that said "The American Heritage Rivers Initiative was developed by the interagency task force convened by the White House." One of these statements may not be true. He described an example of what the American Heritage River project could mean to the Missouri River drainage. He stressed the importance of local community involvement, not the federal government. **{Tape : 1; Side : A; Approx. Time Counter : 55 - 63}**

**{Tape : 1; Side : B}**

**Opponents:** Betty Waddell from Billings, spoke against the resolution. She said she voted to designate the Yellowstone River as an American Heritage project. She assured the committee that there was nothing to fear. She noted the mining, stockmen, and petroleum industry probably had representatives at the meetings. She said as part of the President's initiative if anyone of the Senators or Representatives did not care for it they could override it. Linda Moss at the Western Heritage Center asked her to volunteer at the Center. She explained she

was a rancher and a writer and helped start an art business. She described the vision of the project. The group wanted to preserve the lifestyle of Montana. History should be acknowledged and preserved. The project was to make the area more economically viable, important for tourism. The third goal was the preservation of the natural resources. This was grassroots concerns over a huge topography area and how to develop and promote that. She discussed the River Navigator program. **{Tape : 1; Side : B; Approx. Time Counter : 6}**

Robin Cunningham, representing the Fishing Outfitters Association, Montana River Action Network and Trout Unlimited, spoke against the resolution. He said the improvement of the state's rivers and the headwater legacy was important. **{Tape : 1; Side : B; Approx. Time Counter : 16.8 - 29.4}**

Katrina Scheuerman, representing the Montana Audubon, said protecting the national resources and environment would not create more bureaucracy.

**Questions from Committee Members and Responses:** Rep. Gillan asked about the voluntary program and an alternative program by Congressman Hill. **{Tape : 1; Side : B; Approx. Time Counter : 22.2}**

Rep. Brainard asked about federal assistance for training community members to do water quality monitoring and environmental monitoring in the designated corridors. **{Tape : 1; Side : B; Approx. Time Counter : 22.2 - 25.1}**

**Closing by Sponsor:** Rep. Curtiss closed. She addressed non-governmental entities. The programs are coming out of UNESCO. The key word is "non governmental entities". She pointed out it had been her experience that the agencies are collective in their community involvement. Dan Glickman initiated a committee of scientists to tour the United States for the purpose of input on public land management. The only people participating in Montana were the Greater Yellowstone Coalition and the U.S. Forest Service. The involvement on the New World Mine was 12-13 environmental organizations. There was no representation or input solicited from duly elected representatives, which is the statutory way of doing things. This process by passes the constitutionally mandated separation of powers. Eco-system management employs another key word which is "restoration of resources", not protection, not enhancing the river communities. She stated that there was no way that our countries resources can be restored to the condition they were in when the White people came into this continent. That is the goal of the eco-system management. She described the amounts of money that had been

authorized for river communities in fiscal year 1999: Ruby River Watershed-\$615,000, Mosby Musselshell River-\$451,800, Fort Peck Watershed \$540,000, Sun River Watershed-\$175,000, Little Porcupine Wolf Creek-\$450,000, Buffalo Rapids-\$377,910, Two Medicine Cut Bank Watershed-\$389,250 which is a total of almost \$3 million dollars to protect the river and the resources in addition to the monitoring that is going on by the EPA and DEQ.

Rep. Curtiss stated there was a need to pass this resolution. It sends a message that things in Montana are not directed by Executive Order coming out of Washington, D.C. Montana issues are under the authority of the duly elected representatives.

***{Tape : 1; Side : B; Approx. Time Counter : 26.6}***

**ADJOURNMENT**

Adjournment: 4:50 P.M.

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REP. AUBYN A. CURTISS, Chairman

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DEB THOMPSON, Secretary

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**EXHIBIT (sfh16aad)**